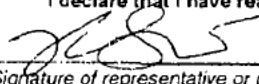


<b>UNITED STATES OF AMERICA</b> <b>NATIONAL LABOR RELATIONS BOARD</b> <b>CHARGE AGAINST EMPLOYER</b>		<b>DO NOT WRITE IN THIS SPACE</b> Case _____ Date Filed _____
<b>INSTRUCTIONS:</b> File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.		
<b>1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>		
a. Name of Employer Keith Manning Enterprises d/b/a McDonald's & McDonald's Corp., as Joint and Single Employers		b. Number of workers employed 100+
c. Address  Manning Enterprises: 102 Morgan St. Durham, NC 27702  McDonald's Corp. 2111 McDonald's Dr. Oak Brook, IL 60523	d. Employer Representative  <div style="background-color: black; color: white; text-align: center; padding: 2px;">(b) (6), (b) (7)(C)</div>  McDonald's: Gloria Santana	e. Telephone No. <div style="background-color: black; color: white; text-align: center; padding: 2px;">(b) (6), (b) (7)(C)</div>
f. Type of Establishment Restaurant	g. Identify principal product or service Food Service	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsection s(1) and (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.		
<b>2 BASIS OF THE CHARGE</b> <i>(Set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</i>  In or around early (b) (6), (b) (7)(C) 2014, employer interfered with, and discriminated against employees in the exercise of their Section 7 rights in violation of Sections 8(a)(1) and (3) of the Act by engaging in the following conduct:  (1) On or about (b) (6), (b) (7)(C) 2014, employer (through (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) held individual meetings and interrogated employees, including employee (b) (6), (b) (7)(C) about whether they were going on strike the next day.  (2) On or about (b) (6), (b) (7)(C) 2014, employer (through (b) (6), (b) (7)(C) tacitly permitted the harassment of employee (b) (6), (b) (7)(C) regarding (b) (6), (b) (7)(C) participation in the September 4, 2014 strike;  (3) On or about (b) (6), (b) (7)(C) 2014, employer unlawfully created an impression of surveillance.		
<b>3. Full name of party filing charge (if labor organization, give full name, including local name and number)</b> Southern Workers Organizing Committee		
4a. Address (street and number, city, state, and ZIP code)  314 S. Wilmington St., Suite 207 Raleigh, NC 27601	4b. Telephone No. <div style="background-color: black; color: white; text-align: center; padding: 2px;">(b) (6), (b) (7)(C)</div>	
<b>5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)</b>		
<b>6. DECLARATION</b> I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		
<div style="text-align: center;">           _____          (Signature of representative or person making charge)       </div>		<div style="text-align: center;">         Paul Smith, Attorney          _____          (Title if any)       </div>
Address <u>Patterson Harkavy LLP 100 Europa Dr., Ste 250 Chapel Hill, NC 27517</u> (Date) <u>4/26/2014</u>		<u>(919) 942-5200</u> (Telephone No.)
<b>WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)</b>		



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11  
4035 University Pkwy Ste 200  
Winston Salem, NC 27106-3275

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (336)631-5201  
Fax: (336)631-5210



Download  
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Mobile App

September 26, 2014

(b) (6), (b) (7)(C)

Keith Manning Enterprises d/b/a McDonald's  
102 Morgan Street  
Durham, NC 27702

Gloria Santona  
McDonald's Corp.  
2111 McDonald's Dr.  
Oak Brook, IL 60523

Re: Keith Manning Enterprises d/b/a  
McDonald's & McDonald's Corp., as Joint  
and Single Employers  
Case 10-CA-137582

Dear (b) (6), (b) (7)(C), Ms. Santona:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner BRENT L. KENSEY whose telephone number is (336)631-5234. If this Board agent is not available, you may contact Supervisory Attorney SHANNON R. MEARES whose telephone number is (336)631-5230.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

September 26, 2014

We can provide assistance for persons with limited English proficiency or disability.  
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Claude T. Harrell Jr.  
Regional Director

By:



Scott C. Thompson  
Officer in Charge

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

Revised 3/21/2011

## NATIONAL LABOR RELATIONS BOARD

## QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

## CASE NAME

Keith Manning Enterprises d/b/a McDonald's &amp; McDonald's Corp., as Joint and Single Employers

## CASE NUMBER

10-CA-137582

## 1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

## 2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )

## 3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION  
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

## 4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

## 5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

## 6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

## 7. A. PRINCIPAL LOCATION:

## B. BRANCH LOCATIONS:

## 8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates )

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.  
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.  
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)  
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months**? If yes, specify date: \_\_\_\_\_

## 10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

## 11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

## 12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**KEITH MANNING ENTERPRISES D/B/A  
MCDONALD'S & MCDONALD'S CORP., AS  
JOINT AND SINGLE EMPLOYERS**

Charged Party

and

**SOUTHERN WORKERS ORGANIZING  
COMMITTEE**

Charging Party

**Case 10-CA-137582**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on September 26, 2014, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Keith Manning Enterprises d/b/a McDonald's  
102 Morgan Street  
Durham, NC 27702

Gloria Santona  
McDonald's Corp.  
2111 McDonald's Dr.  
Oak Brook, IL 60523

September 26, 2014

Date

Lisa Davis, Designated Agent of NLRB

Name

/s/ Lisa A. Davis

Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11  
4035 University Pkwy Ste 200  
Winston Salem, NC 27106-3275

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (336)631-5201  
Fax: (336)631-5210



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September 26, 2014

(b) (6), (b) (7)(C)

Southern Workers Organizing Committee  
324 S. Wilmington St.  
Suite 207  
Raleigh, NC 27601

Re: Keith Manning Enterprises d/b/a  
McDonald's & McDonald's Corp., as Joint  
and Single Employers  
Case 10-CA-137582

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on September 26, 2014 has been docketed as case number 10-CA-137582. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner BRENT L. KENSEY whose telephone number is (336)631-5234. If this Board agent is not available, you may contact Supervisory Attorney SHANNON R. MEARES whose telephone number is (336)631-5230.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Claude T. Harrell Jr.  
Regional Director

By: 

Scott C. Thompson  
Officer in Charge

cc: Paul Smith, Esq.  
Patterson Harkavy LLP  
100 Europa Drive  
Suite 250  
Chapel Hill, NC 27517



**From:** [Lauren Bonds](#)  
**To:** [Kensey, Brent L.](#)  
**Subject:** Re: Keith Manning Enterprises d/b/a McDonald's & McDonald's Corp  
**Date:** Tuesday, October 14, 2014 8:42:00 AM

---

We are withdrawing case 10-CA-137582 pursuant to non board settlement where Employer promises to pay discriminatee (b) (6), (b) (7)(C) that resulted from Employer harassment in response to (b) (6), (b) (7)(C) strike activity.

Best,

Lauren

On Fri, Oct 10, 2014 at 4:20 PM, Kensey, Brent L. <[Brent.Kensey@nlrb.gov](mailto:Brent.Kensey@nlrb.gov)> wrote:

Lauren,

I'll also need you to confirm in writing that you are seeking to withdraw case pursuant to the non board settlement you've described.

**Brent Kensey**

Field Examiner

National Labor Relations Board Subregion 11

4035 University Parkway, Ste 200

Winston-Salem, NC 27106

Phone: [\(336\) 631-5234](tel:(336)631-5234)

Fax: [\(336\) 631-5210](tel:(336)631-5210)

---

**From:** Lauren Bonds [mailto:[lauren.bonds@seiu.org](mailto:lauren.bonds@seiu.org)]  
**Sent:** Friday, October 10, 2014 1:48 PM  
**To:** Kensey, Brent L.  
**Subject:** Re: Keith Manning Enterprises d/b/a McDonald's & McDonald's Corp

Hi Brent,

I believe the discriminatee, (b) (6), (b) (7)(C)), is going to turn over (b) (6), (b) (7)(C) to the Employer at (b) (6), (b) (7)(C) next shift. The (b) (6), (b) (7)(C) is going to call me as soon as we confirm everything went smoothly. Let me know if this is sufficient to process the withdrawal. Best, Lauren

#### Organizer's Narrative Description of the Event

On (b) (6), (b) (7)(C) 2014, employee (b) (6), (b) (7)(C)) kept telling (b) (6), (b) (7)(C) every time (b) (6), (b) (7)(C) would go by the front counter or a new worker clocked in "did you see (b) (6), (b) (7)(C) went on strike (b) (6), (b) (7)(C) was holding a sign and everything! (b) (6), (b) (7)(C) was on the internet, (b) (6), (b) (7)(C) wants us to not have jobs because this store is going to shut down" (b) (6), (b) (7)(C) said the first few times (b) (6), (b) (7)(C) also engaged in it and talked about how they saw (b) (6), (b) (7)(C) on the internet. (b) (6), (b) (7)(C) came into work around 6 and then after that (b) (6), (b) (7)(C) couldn't take it anymore (b) (6), (b) (7)(C) broke down crying and (b) (6), (b) (7)(C) the (b) (6), (b) (7)(C) took (b) (6), (b) (7)(C) into the office, where (b) (6), (b) (7)(C) sobbed for a while and (b) (6), (b) (7)(C) tried to get (b) (6), (b) (7)(C) to stop. (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) was going to leave because (b) (6), (b) (7)(C) couldn't take it anymore and sat at the front of the store on one of the chairs and (b) (6), (b) (7)(C)

#### Employer will:

-pay (b) (6), (b) (7)(C)

-terminate (b) (6), (b) (7)(C) for the harassing behavior

On Fri, Oct 10, 2014 at 12:44 PM, Kensey, Brent L. <[Brent.Kensey@nlrb.gov](mailto:Brent.Kensey@nlrb.gov)> wrote:

Lauren,

Per our conversation earlier this week, have you been able to gather the details on the non-board settlement between the Employer and discriminatee?

I need a written position including the name of the discriminatee, a quick description of the alleged harassment/intimidation incident, and a quick description of what the Employer has provided to the discriminatee. This information is necessary for the processing of my recommendation to approve withdrawal of the charge.

**Brent Kensey**

Field Examiner

National Labor Relations Board Subregion 11

4035 University Parkway, Ste 200

Winston-Salem, NC 27106

Phone: [\(336\) 631-5234](tel:(336)631-5234)

Fax: [\(336\) 631-5210](tel:(336)631-5210)

--

Lauren Bonds

Law Fellow

Service Employees International Union

--

Lauren Bonds

Law Fellow

Service Employees International Union

**From:** [Dunham, Geoffrey](#)  
**To:** [Meares, Shannon R.](#)  
**Cc:** [Jaffe, Leah Z.](#); [Tursell, Beth](#)  
**Subject:** FW: Keith Manning Enterprises d/b/a McDonalds and McDonalds Corp (10-CA-137582)  
**Date:** Friday, October 17, 2014 9:54:10 AM  
**Attachments:** [image001.gif](#)

---

Shannon, you are cleared to process w/d in above case. Thanks, Geoff

---

**From:** Meares, Shannon R.  
**Sent:** Tuesday, October 14, 2014 3:13 PM  
**To:** Jaffe, Leah Z.; Dunham, Geoffrey; Leach, David E.  
**Cc:** Thompson, Scott C.; Wilson, Nancy; Tursell, Beth  
**Subject:** Keith Manning Enterprises d/b/a McDonalds and McDonalds Corp (10-CA-137582)

Good Afternoon.

I cannot recall who is handling the MCDs coordination, so I thought it best to email all of you and hope for the best! ☺

We would like to approve the Union's request to withdraw the above charge, which alleges interrogation, harassment and the impression of surveillance. The parties reached a non-bd settlement (b) (5)

(b) (5)

Please let me know if you have any questions.

*Shannon R. Meares, Supervisory Attorney*  
National Labor Relations Board  
Subregion 11  
4035 University Parkway, Suite 200  
P.O. Box 11467  
Winston-Salem, NC 27116-1467  
(Office) 336.631.5230 (Fax) 336.631.5210



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11  
4035 University Pkwy Ste 200  
Winston Salem, NC 27106-3275

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Telephone: (336)631-5201  
Fax: (336)631-5210

October 17, 2014

Brandon M. Shelton Esq.  
Ogletree, Deakins, Nash, Smoak  
& Stewart, P.C.  
201 S College St Ste 2300  
Charlotte, NC 28244-0007

Joshua Grossman, Attorney  
Jones Day  
222 E 41st Street  
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Doreen S. Davis, Attorney  
Jones Day  
222 East 41st Street  
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Michael S. Ferrell, Attorney at Law  
Jones Day  
77 West Wacker Drive, Suite 3500  
Chicago, IL 60601

Andrew Madsen, Esq.  
Jones Day  
77 W. Wacker Drive, Suite 3500  
Chicago, IL 60601-1701

Re: Keith Manning Enterprises d/b/a  
McDonald's & McDonald's Corp., as Joint  
and Single Employers  
Case 10-CA-137582

Dear Shelton, Ms. Davis, Mr. Grossman, Mr. Ferrell, Mr. Madsen:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Claude T. Harrell Jr.  
Regional Director

By:

Nancy Wilson  
Acting Officer in Charge

Keith Manning Enterprises d/b/a  
McDonald's & McDonald's Corp., as Joint  
and Single Employers  
Case 10-CA-137582

- 2 -

October 17, 2014

cc:

(b) (6), (b) (7)(C)

Keith Manning Enterprises d/b/a  
McDonald's  
102 Morgan Street  
Durham, NC 27702

(b) (6), (b) (7)(C)

Southern Workers Organizing Committee  
324 S. Wilmington St., Suite 207  
Raleigh, NC 27601

Paul Smith, Esq.  
Patterson Harkavy LLP  
100 Europa Drive, Suite 250  
Chapel Hill, NC 27517

Gloria Santona  
McDonald's Corp.  
2111 McDonald's Dr.  
Oak Brook, IL 60523